

IN THE MATTER OF ~~KEITH SYDNEY FAULKNER~~ AND ~~ALBERT J. HARRIS~~ SEAMAN'S DOCUMENT NO.

Issued to: Keith Sydney Faulkner

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1562

Keith Sydney Faulkner

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 18 February 1966, an Examiner of the United States Coast Guard at Long Beach, California suspended Appellant's seaman's documents for three months outright plus six months on eighteen months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as a third assistant engineer on board the United States SS IBERVILLE under authority of the document and license above described, Appellant

1. wrongfully failed to perform assigned duties on 25 and 26 December 1965, at Qui Nhon, Vietnam;
2. wrongfully failed to perform assigned duties on 28 January 1966, at Kunsan, Korea; and
3. on 25 December 1965, wrongfully threatened another officer of the vessel, a third assistant engineer.

At the hearing, Appellant was represented by professional counsel. appellant entered a plea of guilty to the first two specifications and not guilty to the third.

The Investigating Officer introduced in evidence certain documents and the testimony of two witnesses.

In defense, Appellant offered in evidence his own testimony and that of two other witnesses.

The only witnesses who testified on the matter of the specification to which a not guilty plea was entered were the other third assistant engineer and Appellant himself.

At the end of the hearing, the Examiner rendered an oral decision in which he concluded that the charge and first two specifications had been proved by plea, and the third specification proved by the evidence.

The Examiner then entered a written order suspending Appellant's documents for three months, plus six months on eighteen months' probation. This order was served on 18 February 1966.

The entire decision was served on 9 March 1966. Notice of appeal was timely filed on 21 February 1966, prior to receipt of the written decision. No supporting papers have been filed.

FINDINGS OF FACT

On all pertinent dates, Appellant was serving as a third assistant engineer on board the United States SS IBERVILLE and acting under authority of his license and document.

On 25 and 26 December 1965, at Qui Nohn, Vietnam, Appellant wrongfully failed to perform his duties.

On 28 January 1966, at Kunsan, Korea, Appellant wrongfully failed to perform his duties.

At about 0100 on 25 December 1965, Appellant directed abusive language to Kenneth F. Hansen, another third assistant engineer, and threatened him with bodily harm the next time he met him ashore.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. No grounds have been specified.

APPEARANCE: (on appeal), Appellant, pro se.

OPINION

No issues have been raised on appeal. At the hearing, the pleas of guilty to the first two specifications were sufficient to support the findings.

As to the threatening language, the only issue at the hearing was one of credibility. This the Examiner resolved adversely to Appellant on consideration of substantial evidence. Such a resolution by the Examiner will not be disturbed.

The suspension ordered is appropriate in view of Appellant's prior record; the most recent entry in which is a six month suspension on eighteen months' probation, ordered in January 1964, for the use of threatening and abusive language to the master of a ship.

ORDER

The order of the Examiner dated at Long Beach, California on 18 February 1966, is
AFFIRMED.

W. J. Smith
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 13th day of June 1966.

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Examiners
findings affirmed unless clearly erroneous

Witnesses
credibility of, judged by Examiner